

REMARKS

Entry of the foregoing amendments after final rejection as narrowing the issues and presenting the claims in condition for allowance is respectfully solicited. The foregoing amendments after final rejection have not been earlier presented because they are based on comments from the Examiner during the interview of January 26, 2007.

Claims 1-39 are pending and at issue in the application. Independent claims 1, 20, 24 and 35 are amended to recite process control information originated by a device of a processing plant. Each of claims 1, 20, 24, and 35 is further amended to more specifically recite remotely receiving the process control information. No new matter is added by these amendments.

Applicants respectfully traverse the rejection of claims 1, 4, 7-11, 14-18, 35, 36 and 38 under 35 U.S.C. §102(e) as anticipated by Bjornson (U.S. Patent No. 6,505,145), the rejection of claims 5 and 6 as obvious over Bjornson, the rejection of claims 2, 3, 20-34, and 39 as obvious over Bjornson in view of Agrusa et al. (U.S. Publication No. 2004/0024891), the rejection of claims 12, 13 and 37 as obvious over Bjornson in view of Keeler et al. (U.S. Patent 5,386,373), and the rejection of claim 19 as obvious over Bjornson in view of Funkhouser (U.S. Patent 5,784,570). Reconsideration and withdrawal of these rejections is respectfully requested.

As discussed during the Examiner interview, the claimed method and system provides a process for enabling remote monitoring and analysis of plant operation by remotely collecting, over an open network, process control information that is originated by a process control device of a process plant. These plant devices, which may be field devices (e.g., valves and sensors), process controllers, workstations, etc., generally include processors that execute instructions stored in a memory to operate on a physical parameter of the plant via control signals and/or that monitor a physical parameter by receiving input signals. According to the claimed method and system, the plant device signals are originated by the devices of the process control system themselves and are transmitted to a remotely located external entity via an open network for analysis.

A benefit of the claimed process is that the work involved in operating the data processing applications may be efficiently redistributed to a third party entity, thereby eliminating or reducing the need for a processing plant to devote personnel in maintaining or operating equipment (e.g., servers and databases) required to operate the data processing

functions. Moreover, the claimed process specifically reduces, or eliminates altogether, the need for manual inputting of information that, for example, requires an operator to analyze or observe a physical characteristic.

In light of the Examiner interview, Applicants note that each of claims 1, 4, 7-11, 14-18, 35, 36, and 38 are amended to more clearly recite remotely receiving process control information that is originated by a process control device. More specifically, the pending claims now recite that analysis results are generated from process control information that is originated by a process control device and that is remotely received via an open network. Bjornson does not disclose, in any manner, analyzing remotely received process control information that is originated by a plant device. Therefore, Bjornson cannot anticipate any of claims 1, 4, 7-11, 14-18, 35, 36, and 38.

As discussed during the Examiner interview, Bjornson does not disclose a device that originates process control information. Instead, Bjornson discloses a computer system for receiving data originated by a human operator. In particular, Bjornson discloses that its software displays a series of diagnostic screens showing examples of mechanical seal problems and other physical conditions related to mechanical seals, and prompts a human operator to manually input, and thereby originate, data relating to the operator's physical observation of an existing mechanical seal problem. Thus, in Bjornson, process control information about a device is originated by a human operator (see Col. 13, line 54 – Col. 14, line 12), not the device itself. Because the information on the mechanical seal problem in Bjornson originates from an operator's physical observation, where the information is manually entered into the system via a workstation or other computer running the Bjornson software, the information or data of Bjornson does not originate from any process control device.

Contrary to Bjornson, the claimed method and system analyzes process control information that is originated by devices of the process control system within a process control plant. This process control information may include, for example, the various inputs and outputs that are generated through the normal operation of the plant devices. The pending claims do not recite, in any manner, manually inputted data from a human operator. Because Bjornson fails to disclose analyzing process control information originated by one or more devices of a processing plant, Bjornson does not anticipate any of the pending claims.

Moreover, Applicants respectfully traverse the rejection of any of the pending claims as obvious over any combination of Bjornson, Agrusa et al., Keeler et al, or Funkhouser. As established above, while Bjornson discloses analyzing data originated by a human operator's observation of a mechanical seal problem, Bjornson fails to disclose analyzing remotely received process control information that is originated by a plant device. Specifically, the entire Bjornson system is designed to offer mechanical seal solutions based on operator-observed or operator-originated data. In fact, the entire purpose of Bjornson is to assist an operator in analyzing personal observations, not to analyze data originating from a plant device. Moreover, Bjornson fails to recognize any need for or benefit of considering, much less analyzing, process control information originated by a plant device in determining a mechanical seal problem. Thus, even if the Bjornson software could be installed in a plant having plant devices that originate data, Bjornson does not recognize any use of operating on the device-originated data.

Moreover, none of Agrusa et al., Keeler et al., or Funkhouser et al. discloses or teaches analyzing remotely received process control information that is originated by a plant device, nor has the Office action cited them for this purpose. While Agrusa et al. discloses a computer that interconnects two or more computers within the same plant that operate using different communication protocols, Agrusa et al. fails to disclose, teach, or suggest analyzing the data being communicated between the two or more computers. Moreover, Agrusa et al. fails to disclose that the communication connections from the first and second computer (running on a first and second protocol) can or should be provided remotely over an open network, and thus, fails to disclose remotely receiving and analyzing any kind of data, much less process control information originated by a plant device.

Furthermore, while Keeler et al. discloses processing within a process plant inputs from sensors in the process plant to detect emission levels, Keeler et al. also fails to disclose or teach receiving or analyzing the process control information remotely via an open network. Funkhouser simply fails to disclose the use of any process plant device, much less remotely receiving and analyzing, over an open network, process control information originated generated by a plant device.

As provided in MPEP § 2142, "[t]o establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the

art, to modify the reference, or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure." *In re Vaeck*, 947 F.2d 488, 20; USPQ2d 1438 (Fed. Cir. 1991); see also MPEP § 2143-2143.03 for decisions pertinent to each criteria. Because none of Bjornson, Agrusa et al., Keeler et al., and Funkhouser discloses, teaches, or suggests generating analysis results from process control information received remotely over an open network, where the process control information is originated by a plant device, no combination of Bjornson, Agrusa et al., Keeler et al. and Funkhouser can render any of the pending claims obvious.

CONCLUSION

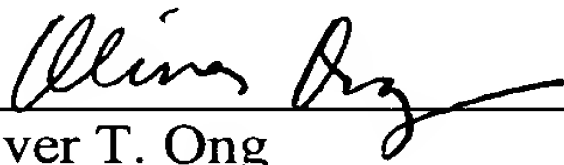
For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the rejections and allowance of claims 1-39. Applicants believe that no additional fee is due. However, the commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required to Deposit Account No. 13-2855.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call its attorney at the number listed below.

Respectfully submitted,

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